

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
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HARBINGER F&G, LLC,

Plaintiff,

-v-

OM GROUP (UK) Limited,

Defendant.

No. 12 Civ.5315 (RA)

[PROPOSED] REVISED  
CASE MANAGEMENT PLAN AND  
SCHEDULING ORDER

RONNIE ABRAMS, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order:

1. All parties **do not consent** to disposition of this case by a United States Magistrate Judge. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. This case **is not** to be tried to a jury.
3. No additional parties may be joined after **December 14, 2012** without leave of the Court.
4. No additional causes of action or defenses may be asserted after **December 1, 2012** without leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than **September 26, 2012**.
6. All fact discovery is to be completed no later than **May 1, 2013**.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 4 above.
  - a. Initial requests for production of documents shall be served by **October 8, 2012**.
  - b. Interrogatories shall be served by **November 23, 2012**.

- c. Depositions shall be completed by May 1, 2013.
- d. Requests to Admit shall be served no later than three weeks prior to trial.
- 8. All expert disclosures, including reports, production of underlying documents, and depositions shall be completed by July 1, 2013. [*The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.*]
- 9. All discovery shall be completed no later than July 1, 2013.
- 10. The Court will conduct a post-discovery conference on July 12, 2013 at 11:00 a.m.. [*To be completed by the Court.*] No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action.
- 11. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 5 of the Court's Individual Rules and Practices shall be due thirty (30) days from the close of discovery, or if any dispositive motion is filed, thirty (30) days from the Court's decision on such motion. This case shall be trial ready sixty (60) days from the close of discovery or the Court's decision on any dispositive motion.
- 12. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:
  - a.        Referral to a Magistrate Judge for settlement discussions.
  - b.        Referral to the Southern District's Mediation Program. [*Note that all employment discrimination cases, except cases brought under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., are designated for automatic referral to the Court's Alternative Dispute Resolution program of mediation. Accordingly, counsel in such cases should select 11(b).*]
  - c.   X   Retention of a private mediator.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

- 13. The parties have conferred and their present best estimate of the length of trial is 3 to 5 days.

SO ORDERED.

Dated: January 23, 2013

New York, New York

RL  
Ronnie Abrams  
United States District Judge